## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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ERIC BOYINGTON, on behalf of himself and all others similarly situated,	: :
Plaintiff,	: Civil Action No. 3:14-cv-00090 (KRG)
v.	· : : Electronically Filed
PERCHERON FIELD SERVICES, LLC,	· ·
Defendant.	• • •
	· : ·
	X

## PLAINTIFF'S UNOPPOSED MOTION FOR FINAL APPROVAL OF RULE 23 CLASS ACTION SETTLEMENT AND APPROVING SETTLMENT OF FLSA CLAIMS PURSUANT TO 29 U.S.C. §216(b)

Plaintiff Eric Boyington ("Named Plaintiff"), respectfully moves this Court for an Order:

1. Certifying the following Settlement Class pursuant to FED. R. CIV. P. 23:

all individuals who, at any time during the period May 7, 2011 and December 31, 2014, were employed by Defendant within the Commonwealth of Pennsylvania (or otherwise subject to the protections of the Pennsylvania Minimum Wage Act, e.g., due to their working in Pennsylvania and/or being based in Pennsylvania) in the position of Right of Way Agent, excluding, however, those individuals who are FLSA Class Members (as that term is defined in the Agreement) as well as those who filed written consents to join this action pursuant to 29 U.S.C. § 216(b) and subsequently had their claims withdrawn or dismissed.

- 2. Certifying the following Collective Action pursuant to 29 U.S.C. § 216(b):
- all individuals who filed an opt-in form pursuant to §216(b) and who signed the Settlement Agreement submitted to the Court at Dkt. No. 292-1.
- 3. Finally approving Named Plaintiff Eric Boyington as the Class Representative;

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4. Finally approving Joseph H. Chivers of the law firm The Employment Rights

Group LLC, John R. Linkosky, Esquire, and Bruce C. Fox, Andrew J. Horowitz and Jeffrey B.

Cadle of Obermayer, Rebmann, Maxwell & Hippel LLP as Class Counsel for the Pennsylvania

Rule 23 Class and the § 216(b) Collective, and approving Class Counsel's attorneys' fees in the

amount of \$1,200,000 and costs in the amount of \$160,000;

5. Granting final approval of the parties' Settlement Agreement, submitted to the

Court at Dkt. No. 292-1;

6. Finally approving Dahl Administration, LLC, as the Settlement Administrator,

finally approving the costs of settlement administration not to exceed \$10,000, and finally

approving the Notice that was given to the Pennsylvania Rule 23 Class as fair and adequate notice

of the Agreement and the Fairness Hearing; and

7. Entering Final Judgment pursuant to the terms of the Settlement Agreement and

dismissing this class and collective action with prejudice.

This Motion is based on the accompanying Memorandum of Law, the Declaration of

Joseph H. Chivers of The Employment Rights Group LLC, the Declaration of Kelly Kratz,

Principal with Dahl Administration, LLC, and all other records, pleadings and papers on file in

this action.

A proposed Order is submitted for the Court's consideration.

Dated: July 5, 2018

By: /s/ Joseph H. Chivers

Joseph H. Chivers, Esq.

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Counsel for Plaintiff and all others similarly situated

## **Certificate of Service**

I hereby certify that, on this 5<sup>th</sup> day of July, 2018, a true and correct copy of the foregoing **Plaintiff's Unopposed Motion for Final Approval of Rule 23 Class Action Settlement and Approving Settlement of FLSA Claims Pursuant to 29 U.S.C. §216(b)** was filed electronically via the Court's CM/ECF system, which will send notice and copies to counsel of record.

By: /s/ Joseph H. Chivers
Joseph H. Chivers, Esq.

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